

Members

Sen. Robert Jackman, Chair  
Sen. Billie Breaux  
Sen. Connie Sipes  
Sen. Thomas Weatherwax  
Rep. Rich McClain  
Rep. Dennis Oxley  
Rep. Greg Porter  
Rep. William Ruppel



## EDUCATION MATTERS EVALUATION COMMITTEE

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### MEETING MINUTES<sup>1</sup>

**Meeting Date:** August 12, 1999  
**Meeting Time:** 10:00 A.M.  
**Meeting Place:** State House, 200 W. Washington St.,  
Room 233  
**Meeting City:** Indianapolis, Indiana  
**Meeting Number:** 1

**Members Present:** Sen. Robert Jackman, Chair; Sen. Thomas Weatherwax; Sen. Connie Sipes; Sen. Billie Breaux; Rep. William Ruppel; Rep. Greg Porter; Rep. Dannie Oxley.

**Members Absent:** Rep. Rich McClain.

**Call to Order.** Senator Robert Jackman, Chair of the Education Matters Evaluation Committee, called the meeting to order. After the introduction of the Committee members, Sen. Jackman thanked committee members, interested parties, and members of the public for their interest in this very important topic. He noted that the purpose of the meeting was an educational one. He would like for members of the public to initially submit their issues in writing. (Forms were provided for them to do so.) He then asked Diane Powers, Deputy Director, Office of Fiscal and Management Analysis, Legislative Services Agency, to provide the committee with a brief history of program evaluation.

**Overview of the Legislative Oversight and Program Evaluation.** Ms. Powers provided the committee with the following information. State legislation, passed in 1979, established the formal process of legislative oversight and program evaluation. The legislation was referred to as the "Sunset" law. "Sunset" referred to a provision within the law that terminated the agencies under review if the agencies did not receive legislative authorization to continue. The purpose of Sunset was to provide legislative oversight of executive branch agencies to ensure that the executive branch was implementing policies that the Legislature had set out in statute.

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<sup>1</sup> Exhibits and other materials referenced in these minutes can be inspected and copied in the Legislative Information Center in Room 230 of the State House in Indianapolis, Indiana. Requests for copies may be mailed to the Legislative Information Center, Legislative Services Agency, 200 West Washington Street, Indianapolis, IN 46204-2789. A fee of \$0.15 per page and mailing costs will be charged for copies. These minutes are also available on the Internet at the General Assembly homepage. The URL address of the General Assembly homepage is <http://www.ai.org/legislative/>. No fee is charged for viewing, downloading, or printing minutes from the Internet.

The major components of the Sunset Law included a specific schedule of agencies or programs to review and termination dates. Under this structure, Legislative Services Agency (LSA) had a full year to study the various agencies, as set out in statute, and to research and evaluate the policy issues that pertained to the various agencies involved.

During the interim, a permanent Sunset committee reviewed the reports. The committee made recommendations, including the continuation of the state agency being reviewed, during the next legislative session. The committee also introduced any other legislative changes that resulted from the committee work.

In 1992 the Legislative Council directed a review of Sunset. The result was that in 1992 legislation was introduced and passed which sunset the formal sunset provisions and replaced them with the current process. The legislation eliminated the termination dates for the various state agencies. The statute maintains the schedule of agencies to be reviewed; however, the schedule now serves as a guideline. The subcommittee is not required to recommend the study of the specific agency that is listed for review for that particular year.

Under the present setup, LSA has from the end of the session until May 1 or July 1, depending on whether it is a short or long session, to conduct the research and examine the issue(s), which essentially amounts to about eight weeks. Although the time period allowed for the research has been shortened, the time during which the reviewing committee can meet has been lengthened to up to two full years after its initial establishment, or in the case of this committee through December 2001.

Under the current structure, the Legislative Evaluation and Oversight Policy Subcommittee, a subcommittee of the Legislative Council, recommends to the Council the issue(s) to be studied. Generally, in the summer, the subcommittee surveys legislators to obtain input on issues that they wish to have studied. The subcommittee meets in the late summer or early fall. They recommend to the Legislative Council what issue(s) they wish the LSA staff to examine. A new committee is established to review each report. In 1998, the Legislative Council directed the study of the impact of the ISTEP+ graduation exam on students with learning disabilities.

Sen. Sipes asked that all students in special education be included in the Committee's study.

The Impact of the Graduation Qualifying Exam on Students with Learning Disabilities. Bernadette Bartlett, Fiscal and Program Analyst, Legislative Services Agency, noted that two other analysts worked on the report: Mark Goodpaster and Dave Hoppman. She then provided the committee with the following overview of the report.

**Enrollment.** For school year 1999, total enrollment in Indiana public schools was over 988,000. Special education students constituted 15% of the enrollment. Of this 15%, 6% were students with learning disabilities, and 9% were other special education enrollment. The proportion of students with specific learning disabilities is a relatively small percentage of the total population.

**Students with learning disabilities.** Students with learning disabilities typically have average to above average IQ, but have difficulty receiving, processing, or relaying information. One type of learning disability with which most people are familiar is dyslexia--where a student has a tendency to reverse letters or words while reading or writing or not notice certain letters or words. The types of learning disabilities are varied as well as the severity of the impairment. The range of services provided to students with learning disabilities may range from no special services to the student spending all or the majority of his or her day in special education.

**Enrollment in Special Education.** Students with learning disabilities comprise the largest percentage of students in special education, almost 40%. Students with communication

disorders, the second largest population, at 31%, have an expressive language disorder. The third largest population, or 16%, consists of students with mental handicaps, which includes students with mild, moderate, or severe mental handicaps. Many students fit into more than one category. The statistics reflect primary diagnoses. Other populations included emotional handicap, autism, health impairment, visual impairment, traumatic brain injury, orthopedic impairment, and others.

**State Academic Standards.** The Education Roundtable recommends state academic standards to the State Board of Education. The state academic standards identify what proficiencies students should have in kindergarten through grade 12. Although the GQE is given in the 10th grade, the GQE is based on ninth grade proficiencies.

**Curriculum Alignment.** By law, the curriculum of each grade must be in line with state academic standards. The GQE measures the extent to which students achieve these standards. If a school corporation is providing a curriculum that is in line with the state standards, then students should be exposed to the curriculum necessary to achieve those standards.

**Grades and Subjects Tested.** Students are tested in grades 3, 6, 8, and 10, part of the tenth grade consists of the GQE. The GQE tests the students' ability in math and language arts only. A science component may be added in 2003 with a social studies exam in 2004.

**Retests and Remediation.** Beginning in grade 10, students have five opportunities to take the GQE. Students not passing may be required to enroll in remediation. The state spends about \$20 million a year for remediation in grades 3, 6, and 8, and \$5 million for GQE remediation.

**State and Federal Law.** State Public Law 340-1995 requires that beginning with the class of 2000, students must pass the GQE in order to qualify to receive a diploma. In 1997 amendments to the federal Individuals with Disabilities Education Act, or IDEA '97, requires that if states have graduation exams, all students must participate. If the exam is inappropriate, states must have in place an alternate assessment by July 2000. Indiana has an alternate exam in place which the Department of Education will be demonstrating at the next meeting.

**Indicators of Educational Achievement.** For the past four years, the percentage of total enrollment that graduate far exceeds the percentage of students with learning disabilities that graduate. The 4-year average for total enrollment was 86%, while the 4-year average for students with learning disabilities was 48%.

With respect to dropout rates, for the past four years, the percentage of total enrollment that dropout was significantly less than the percentage of students with learning disabilities that dropout. The 4-year average for total enrollment was 14%, while the 4-year average for students with learning disabilities was 52%.

With respect to performance on the 1998 GQE language arts portion, for the general population, 80% scored above the standard in language arts, whereas only 21% of students with learning disabilities scored above the standard. With respect to performance on the 1998 GQE math portion, for the general population, 65% scored above the standard in math, whereas only 19% of students with learning disabilities scored above the standard.

For the 1997 and 1999 GQE, school corporations were not required to indicate if a test-taker had a disability or disorder. Therefore, information is not available on a statewide basis on how students performed on the test by a particular type of impairment. LSA surveyed directors of special education planning districts to obtain information on how many students passed the 1997 and 1999 GQE, if available. Based on the information received from the directors and considering the 1998 scores, since 1997 an estimated 26% of students with learning disabilities have passed the GQE.

**Public Law 193-1999.** Students may graduate without passing the GQE if they meet criteria outlined in Public Law 193-1999. The criteria include taking the GQE at least once a year; completing remediation offered by the school; maintaining a “C” average in core courses and a 95% attendance rate; completing all other graduation requirements; and obtaining recommendations from teachers that document proficiency in the area of GQE that student did not pass. For students in special education, the case conference committee decides if the student meets the above criteria.

Based on our survey of directors, and estimated 22% of students with learning disabilities may meet the above criteria. Interestingly, if 26% pass the test and 22% qualify for the waiver, the graduation rate may remain constant at 48%.

### **Benefits and Drawbacks of Applying the GQE to Students with Learning Disabilities.**

Benefits of including students with learning disabilities in the GQE requirement include student accountability; inclusion, curriculum alignment, improved scores, an increased sense of independence, a comprehensive picture of the provision of educational services, improved test-taking skills, and high expectations.

Drawbacks include the fact that failing the GQE may be discouraging. Students with learning disabilities already experience a low graduation rate. They also experience, as a population, a high failure rate on the test. For students who already are facing other obstacles, adding an additional one, in the form of the GQE, may contribute to their decision to drop out.

Additionally, if students fail the test, they may be required to take remediation which may prevent them from enrolling in vocational education or other electives that they enjoy or in which they succeed. Students with learning disabilities have a high dropout rate. However, since the first test in the fall of 1997, the dropout has not increased significantly. Because the Class of 2000 is the first class to which the requirement applies, significant changes may occur next year. The total impact may not be evident until 2000 and thereafter. The Department of Education should monitor the effects of the GQE in order to obtain a comprehensive picture of the impact.

**Accommodations.** Accommodations to the presentation, setting, timing, or response mode are designed to enable students with disabilities to participate without affecting the validity of the test. The three most commonly used accommodations on the GQE are (1) extending the time to take the test by less than double time; (2) doubling the time to take the test; and (3) having instructions read aloud. Research is ongoing on the effects of certain accommodations. The Department is working with the University of Wisconsin in selecting and identifying accommodations and analyzing their effects.

**Legal Action.** In May 1998, four students with disabilities filed a class action suit in the Marion County Superior Court against the Indiana Department of Education. The students complained that they had received insufficient notice of the requirement; their individualized education plans exempted them from taking the test; they did not have the curriculum necessary to pass the test; and they were not allowed the necessary accommodations. The court found that the students had not achieved other graduation requirements; the plaintiffs failed to exhaust local administrative remedies; local case conference committees determined who took the test; and local school districts were responsible for following the state academic standards and providing the necessary curriculum.

Students whose individualized education plans specified that all portions of the exam must be read aloud could continue with the lawsuit because the state does not allow the reading comprehension portion of the GQE to be read aloud.

**Discussion by Committee Members.** Senator Breaux remarked that once students are identified as having a learning disability, particularly in the early grades, ways to compensate for

the disability should be identified and implemented by the time the student is in high school.

Bob Marra, Director of the DOE Division of Special Education, noted that often students are identified after they have failed, typically around the third grade. He noted that strategies for compensating for the disability are more important than accommodating the disability. He suggested that for some students the academic standards should be assessed in a manner different from the current GQE.

Sen. Sipes noted that, as an educator, it is her mission to assist all students in reaching their potential. Learning styles for students vary, yet the GQE tests all students only one way. She also is concerned environmental factors have a great influence on achievement. She also noted that schools are often evaluated based on test scores.

Rep. Ruppel raised his concern about labeling students as well as students for whom English is a second language. He also noted that school corporations might continue to label students as requiring special services because they receive additional financial assistance for special education students.

**Topics for the Second Meeting.** The following topics were scheduled for discussion or presentation at the second meeting:

- (1) Response to the report by the Indiana Department of Education (DOE).
- (2) Video presentation on learning disabilities, DOE.
- (3) Demonstration of the Alternate Assessment, DOE.
- (4) Public Testimony.

**Tentative Topics for the Third Meeting.** The following topics were tentatively scheduled for discussion or presentation at the third meeting:

- (1) Overview of Other States, Legislative Services Agency.
- (2) Policy Considerations, DOE.
- (3) Public Testimony.
- (4) Committee Discussion.

**Selection of Next Meeting Date.** The next meeting was scheduled for Wednesday, September 8th, at 10:00 a.m. at the Statehouse. (The room number is to be announced.)

**Adjournment.** Senator Jackman adjourned the meeting at approximately 11:30 a.m.